

Central Intelligence Agency



Washington, D.C. 20505

OLL85-2099

15 July 1985

Mr. Michael J. O'Neil
Chief Counsel
Permanent Select Committee
on Intelligence
House of Representatives
Washington, D.C. 20515

Dear Mike:

Enclosed for your information are the final regulations promulgated by the Agency implementing the authority provided in the Fiscal Year 1985 Intelligence Authorization Act permitting authorized Agency personnel to perform certain protective security functions. Internal regulations addressing the Agency's Security Protective Service are nearing completion and will be provided to you when they are finalized.

Let me know if I can be of further assistance to you on this matter.

Sincerely,



Office of Legislative Liaison

Enclosure


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Central Intelligence Agency



Washington, D.C. 20505

15 July 1985


Mr. Steven K. Berry
Associate Counsel
Permanent Select Committee
on Intelligence
House of Representatives
Washington, D.C. 20515

Dear Steve:

Enclosed for your information are the final regulations promulgated by the Agency implementing the authority provided in the Fiscal Year 1985 Intelligence Authorization Act permitting authorized Agency personnel to perform certain protective security functions. Internal regulations addressing the Agency's Security Protective Service are nearing completion and will be provided to you when they are finalized.

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Sincerely,


Office of Legislative Liaison

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Enclosure

Central Intel/ x Agency



Washington, D.C. 20505

15 July 1985

Mr. Gary Chase
Chief Counsel
Senate Select Committee
on Intelligence
United States Senate
Washington, D.C. 20510

Dear Gary:

Enclosed for your information are the final regulations promulgated by the Agency implementing the authority provided in the Fiscal Year 1985 Intelligence Authorization Act permitting authorized Agency personnel to perform certain protective security functions. Internal regulations addressing the Agency's Security Protective Service are nearing completion and will be provided to you when they are finalized.

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Sincerely,



Office of Legislative Liaison

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Enclosure

Central Intelligence Agency



Washington, D.C. 20505

15 July 1985

Mr. Daniel P. Finn
Minority Counsel
Senate Select Committee
on Intelligence
United States Senate
Washington, D.C. 20510

Dear Dan:

Enclosed for your information are the final regulations promulgated by the Agency implementing the authority provided in the Fiscal Year 1985 Intelligence Authorization Act permitting authorized Agency personnel to perform certain protective security functions. Internal regulations addressing the Agency's Security Protective Service are nearing completion and will be provided to you when they are finalized.

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Sincerely,


Office of Legislative Liaison

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Enclosure

federal register

**Monday
May 6, 1985**

Part VII

Central Intelligence Agency

32 CFR Part 1903

Security Protective Service; Final Rule

19154

Federal Register / Vol. 50, No. 87 / Monday, May 6, 1985 / Rules and Regulations

CENTRAL INTELLIGENCE AGENCY

32 CFR Part 1903

Security Protective Service

AGENCY: Central Intelligence Agency.

ACTION: Final rule.

SUMMARY: The Central Intelligence Agency has promulgated regulations which protect its foreign intelligence facilities within the United States. The classified and highly sensitive world-wide activities of the Agency are directed and supervised from these various facilities. Furthermore, all intelligence support functions, including training, for the conduct of the various foreign intelligence activities of the CIA are managed from these facilities. Pursuant to section 401 of the Intelligence Authorization Act for Fiscal Year 1985, the CIA was empowered to promulgate these regulations, which have the force of law and which are effective immediately.

EFFECTIVE DATE: May 6, 1985.

FOR FURTHER INFORMATION CONTACT: David Holmes, Office of General Counsel, Central Intelligence Agency (703) 351-5648.

SUPPLEMENTARY INFORMATION: On 8 November 1984, Congress enacted the Intelligence Authorization Act for Fiscal Year 1985, which amend the Central Intelligence Agency Act of 1949 (50 U.S.C. 403a et seq.) to permit the Director of Central Intelligence to authorize Agency personnel within the United States to perform functions identical to those performed by special police officers of the General Services Administration in order to protect the foreign intelligence facilities of the CIA.

The legislation empowering GSA special policemen is entitled "An Act to authorize the Federal Works Administrator or officials of the Federal Works Agency duly authorized by him to appoint special policemen for duty upon Federal property under the jurisdiction of the Federal Works Agency, and for other purposes" (40 U.S.C. 318). Under this Act, the Administrator of GSA is authorized to appoint uniformed guards as special policemen. Once appointed, the GSA special police are granted the same powers as sheriffs and constables upon property under GSA charge and control and are authorized to enforce laws enacted for the protection of persons and property, to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce with criminal penalties any rules and regulations made and promulgated by the

Administrator of the General Services Administration.

The Central Intelligence Agency now has the authority to carry out the protective police functions set forth above with respect to property under its charge and control and has promulgated these regulations pursuant thereto.

List of Subjects in 32 CFR Part 1903

Security measures.

32 CFR is amended by adding a new Part 1903 to read as follows:

PART 1903—REGULATIONS TO IMPLEMENT SECTION 401 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 1985

Sec.

- 1903.1 Applicability.
- 1903.2 Control of activities on protected property.
- 1903.3 Restrictions on admission to protected property.
- 1903.4 Control of vehicles on protected property.
- 1903.5 Enforcement of parking regulations.
- 1903.6 Security inspection.
- 1903.7 Prohibition on weapons and explosives.
- 1903.8 Prohibition on photographic, transmitting and recording equipment, and "Walkman-type" radios.
- 1903.9 Prohibition on narcotics and illegal substances.
- 1903.10 Prohibition on alcohol.
- 1903.11 Restrictions on the taking of photographs.
- 1903.12 Physical protection of facilities.
- 1903.13 Disturbances on protected property.
- 1903.14 Prohibition on gambling.
- 1903.15 Restriction regarding animals.
- 1903.16 Soliciting, vending, and debt collection.
- 1903.17 Distribution of unauthorized materials.
- 1903.18 Nondiscrimination.
- 1903.19 Penalties and the effect on other laws.

Authority: Sec. 401, Intelligence Authorization Act for Fiscal Year 1985.

§ 1903.1 Applicability.

These regulations apply to all property under the charge and control of the Security Protective Service of the Central Intelligence Agency and to all persons entering in or on such property (hereinafter referred to as "protected property"). Employees of the Central Intelligence Agency and any other persons entering upon protected property shall be subject to these regulations.

§ 1903.2 Control of activities on protected property.

Persons in and on protected property shall at all times comply with official signs of a prohibitory, regulatory, or directory nature and with the direction

of Security Protective Officers and any other duly authorized personnel.

§ 1903.3 Restrictions on admission to protected property.

Access to protected property shall be restricted to ensure the orderly and secure conduct of Agency business. Admission to protected property will be restricted to employees and other persons with proper authorization who shall, when requested, display government or other identifying credentials to the Security Protective Officers or other duly authorized personnel when entering, leaving, or while on the property.

§ 1903.4 Control of vehicles on protected property.

Drivers of all vehicles entering or while on protected property shall comply with the signals and directions of Security Protective Officers or other duly authorized personnel and any posted traffic instructions. The blocking of entrances, driveways, walks, loading platforms, or fire hydrants on protected property is prohibited. Driving a non-emergency vehicle above the prescribed speed limit is prohibited. All vehicles shall be driven in a safe and careful manner at all times.

§ 1903.5 Enforcement of parking regulations.

For reasons of security, parking regulations shall be strictly enforced. Except with proper authorization, parking on protected property is not allowed without a permit. Parking without a permit or other authorization, parking in unauthorized locations or in locations reserved for other persons, or parking contrary to the direction of posted signs is prohibited. Vehicles parked in violation, where warning signs are posted, shall be subject to removal at the owner's risk, which shall be in addition to any penalties assessed pursuant to § 1903.19. The Agency assumes no responsibility for the payment of any fees or costs related to such removal which may be charged to the owner of the vehicle by the towing organization. This paragraph may be supplemented from time to time with the approval of the CIA Director of Security by the issuance and posting of such specific traffic directives as may be required, and when so issued and posted such directives shall have the same force and effect as if made a part hereof. Proof that a vehicle was parked in violation of these regulations or directives may be taken as *prima facie* evidence that the registered owner was responsible for the violation.

§ 1903.6 Security inspection.

Any personal property, including but not limited to any packages, briefcases, containers or vehicles brought into, while on, or being removed from protected property are subject to inspection. A search of a person may accompany an investigative stop or an arrest.

§ 1903.7 Prohibition on weapons and explosives.

No persons entering or while on protected property shall carry or possess, either openly or concealed, firearms, other dangerous or deadly weapons, explosives, or items intended to be used to fabricate an explosive or incendiary device, except as authorized by the CIA Director of Security or his designee at each Agency facility.

§ 1903.8 Prohibition on photographic, transmitting and recording equipment, and "Walkman-type" radios.

No persons entering or while on protected property shall bring or possess any photographic, transmitting, or recording equipment of any kind, or any "Walkman-type" radio, except as specifically authorized by the CIA Director of Security or his designee at each Agency facility.

§ 1903.9 Prohibition on narcotics and illegal substances.

Entering or while on protected property under the influence of, or using or possessing, any narcotic drug, hallucinogen, marijuana, barbiturate, or amphetamine is prohibited. Operation of a motor vehicle entering or while on protected property by a person under the influence of narcotic drugs, hallucinogens, marijuana, barbiturates or amphetamines is also prohibited. The above prohibitions shall not apply in cases where the drug is being used as prescribed for a patient by a licensed physician.

§ 1903.10 Prohibition on alcohol.

Entering or while on protected property under the influence of alcoholic beverages is prohibited. Operation of a motor vehicle entering or while on protected property by a person under the influence of alcoholic beverages is prohibited. The use of alcoholic beverages on protected property is also prohibited, except on occasions and on protected property for which the CIA Deputy Director for Administration or his designee has delegated in writing to the head of an office or division the authority to grant approval for such use, and approval has been granted. A copy

of all such written delegations shall be provided to the CIA Director of Security.

§ 1903.11 Restrictions on the taking of photographs.

In order to protect the security of the Agency's facilities, photographs on protected property may be taken only with the consent of the CIA Director of Security. The taking of photographs includes the use of television cameras, video taping equipment, and motion picture cameras.

§ 1903.12 Physical protection of facilities.

The willful destruction of, or damage to any protected property, or any buildings or personal property thereon, is prohibited. The theft of any personal property, the creation of any hazard on protected property to persons or things, and the throwing of articles of any kind at buildings or persons on protected property are prohibited. The improper disposal of trash or rubbish on protected property is also prohibited.

§ 1903.13 Disturbances on protected property.

Any conduct which impedes or threatens the security of protected property, or any buildings thereon, or which disrupts performance of official duties by Agency employees, or which interferes with ingress to or egress from protected property is prohibited. Also prohibited is any disorderly conduct, any failure to obey an order to depart the premises, unwarranted loitering or other behavior which creates loud or unusual noise or nuisance, or any conduct which obstructs the usual use of entrances, foyers, lobbies, corridors, offices, elevators, stairways or parking lots.

§ 1903.14 Prohibition on gambling.

Participating in games for money or other personal property, or the operating of gambling devices, the conduct of a lottery, or the selling or purchasing of numbers tickets, in or on protected property is prohibited. This prohibition shall not apply to the vending or exchange of chances by licensed blind operators of vending facilities for any lottery set forth in a State law and conducted by an agency of a State as authorized by section 2(a)(5) of the Randolph-Sheppard Act, as amended (20 U.S.C. 107a(e)(5)).

§ 1903.15 Restriction regarding animals.

No animals except guide dogs for the blind or Agency guard or search dogs shall be brought upon protected property, except as authorized by the

CIA Director of Security or his designee at each Agency facility.

§ 1903.16 Soliciting, vending, and debt collection.

Commercial or political soliciting, vending of all kinds, displaying or distributing commercial advertising, collecting private debts or soliciting alms on protected property is prohibited. This does not apply to (a) national or local drives for funds for welfare, health, or other purposes as authorized by the "Manual on Fund Raising Within the Federal Service," issued by the U.S. Office of Personnel Management under Executive Order 10827 of March 18, 1961, and sponsored or approved by the Central Intelligence Agency; and (b) concessions on personal notices posted by employees or authorized bulletin boards.

§ 1903.17 Distribution of unauthorized materials.

Distributing, posting or affixing materials, such as pamphlets, handbills, or flyers, on protected property is prohibited, except as provided by § 1903.16, as authorized by the CIA Director of Security or his designee at each Agency facility, or when conducted as part of authorized Government activities.

§ 1903.18 Nondiscrimination.

There shall be no unlawful discrimination by segregation or otherwise, because of race, creed, sex, color, or national origin against any person or persons admitted upon protected property in furnishing or by refusing to furnish to such person or persons the use of any services, privileges, accommodations, or activities provided on the protected property.

§ 1903.19 Penalties and the effect on other laws.

Whoever shall be found guilty of violating while on any protected property any provision of these regulations is subject to a fine of not more than \$50 or imprisonment of not more than 30 days, or both. Nothing in these regulations shall be construed to abrogate or supersede any other Federal laws or any State and local laws or regulations applicable to any area in which the protected property is situated.

Pursuant to delegated authority, issued on 2 May 1985 by:

William R. Kotepish,

Director of Security.

[FR Doc. 85-11047 Filed 5-3-85; 10:36 am]

BILLING CODE 6810-02-M

resulted in the punitive discharge or dismissal;

(11) Applicant's entire court-martial record (offense(s) of which convicted and finally approved sentence(s)), and nonjudicial punishment record (including offense(s) and punishment(s) awarded);

(12) Any military administrative discharge proceedings (circumstances and disposition) initiated against the applicant;

(13) Applicant's full employment record since the punitive discharge or dismissal was executed;

(14) The specific type and character of administrative discharge requested pursuant to 10 U.S.C. 874(b) (a more favorable administrative discharge than that requested will not be approved);

(15) At least three but not more than six character affidavits, (The character affidavits must be notarized, must indicate the relationship of the affiant to the applicant, and must include the address of the affiant as well as specific reasons why the affiant believes the applicant to be of good character. The affidavits should discuss the applicant's character primarily as reflected in the civilian community subsequent to the punitive discharge or dismissal which is the subject of the application);

(16) Any matters, other than the character affidavits, supporting the considerations described in subparagraph (18) below;

(17) Any other relief sought within the Department of the Navy and outside the Department of the Navy including dates of application and final dispositions;

(18) A statement by the applicant, setting forth the specific considerations which the applicant believes constitute "good cause," so as to warrant the substitution of an administrative form of discharge for the punitive discharge or dismissal previously executed. (In this connection, 10 U.S.C. 874(b) does not provide another regular or extraordinary procedure for the review of a court-martial. Questions of guilt or innocence, or legal issues attendant to the court-martial which resulted in the punitive discharge or dismissal, are neither relevant nor appropriate for consideration under 10 U.S.C. 874(b). As used in the statute, "good cause" was envisioned by Congress to encompass only Secretarial exercise of clemency and ultimate control of sentence uniformity. Accordingly, in determining what constitutes "good cause" under 10 U.S.C. 874(b), the primary Secretarial concern will be with the applicant's record in the civilian community subsequent to his or her punitive separation. Material submitted by the 10

U.S.C. 874(b) applicant should be consistent with the foregoing.)

Dated: May 29, 1985
William F. Roos, Jr.,
Lieutenant, Judge Advocate General's Corps,
U.S. Naval Reserve, Federal Register Liaison
Officer.
[FR Doc. 85-11386 Filed 6-5-85; 8:45 am]
BILLING CODE 3010-AE-21

CENTRAL INTELLIGENCE AGENCY

32 CFR Part 1903

Security Protective Service

AGENCY: Central Intelligence Agency.

ACTION: Final rule—Correction.

SUMMARY: This document corrects the authority citation for FR Doc 85-11047, which promulgated regulations to protect foreign intelligence facilities within the United States, appearing at page 19154, 6 May 1985, as follows:

Authority: Sec. 401, Intelligence Authorization Act for Fiscal Year 1965 (50 U.S.C. 4030).

FOR FURTHER INFORMATION CONTACT: David Holmes, Office of General Counsel, Central Intelligence Agency, (703) 351-5648.

Dated: May 30, 1985.
David Holmes,
Office of General Counsel, Central
Intelligence Agency.
[FR Doc. 85-13671 Filed 6-5-85; 8:45 am]
BILLING CODE 3010-02-01

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 09-85-07]

Special Local Regulations; International Freedom Festival Fireworks Display, Detroit River

AGENCY: Coast Guard, DOT.

ACTION: Final Rule.

SUMMARY: Special local regulations are being adopted for the International Freedom Festival Fireworks Display. This event will be held on the Detroit River on 01 July 1985. In case of inclement weather, the event will be held on 02 July 1985. The regulations are needed to provide for the safety of life on navigable waters during the event. **EFFECTIVE DATES:** These regulations become effective and terminate on July 1, 1985.

FOR FURTHER INFORMATION CONTACT: MSTC CARY H. LINDSAY, Office of Search and Rescue, Ninth Coast Guard District, 1240 E 9th St., Cleveland, OH 44199, (216) 522-4420.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Rule Making has not been published for these regulations and they are being made effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impractical. The application to hold this event was not received until April 10, 1985, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Drafting Information

The drafters of this regulation are MSTC Cary H. Lindsay, project officer, Office of Search and Rescue and LCDR A. R. Butler, project attorney, Ninth Coast Guard District Legal Office.

Discussion of Regulations

The International Freedom Festival Fireworks Display will be conducted on the Detroit River on 01 July 1985. An unusually large concentration of spectator boats could pose hazards to navigation in the area. Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander (U.S. Coast Guard Group, Detroit, MI).

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

PART 100—(AMENDED)

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority for Part 100 continues to read as follows;

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35

2. Part 100 is amended to add a temporary § 100.35-0907 to read as follows:

§ 100.35-0907. International Freedom Festival Fireworks Display, Detroit River.

(a) *Regulated Area.* (1) The following area will be closed to vessel navigation or anchorage for vessels of 65 feet in length or greater from 8:00 p.m. (local time) until 12:00 p.m. on 1 July 1985:

The U.S. waters of the Detroit River between the Ambassador Bridge and the downstream end of Belle Isle.

(2) The following portion of the Detroit River will be closed to all vessel